

09-18-00

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Form PTO-1390 (REV 12-29-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 126881201800	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/646478	
INTERNATIONAL APPLICATION NO. US99/06947		INTERNATIONAL FILING DATE 30 March 1999		PRIORITY DATE CLAIMED 31 March 1998	
TITLE OF INVENTION METHODS FOR THE DIAGNOSIS AND TREATMENT OF LUNG CANCER					
APPLICANT(S) FOR DO/EO/US Jin Jen, Gary A. Beaudry, Stephen L. Madden and Arthur N. Bertlesen					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> has been transmitted by the International Bureau. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371 (c)(2)). <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 					
Items 11. to 16. below concern document(s) or information included:					
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.					
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.					
13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.					
14. <input type="checkbox"/> A substitute specification.					
15. <input type="checkbox"/> A change of power of attorney and/or address letter.					
16. <input checked="" type="checkbox"/> Other items or information: Return postcard ; Check \$1,398.00					

Express Mail Label EL 561 389 305US

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17. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) Nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$970.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$840.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$690.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) But all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$670.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) And all claims satisfied provisions of PCT Article 33(1)-(4).....\$96.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 670.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claims priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	33 - 20 =	13	X \$18.00	\$ 234.00	
Independent claims	6 - 3 =	3	X \$78.00	\$ 234.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$ 260.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,398.00	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$1,398.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				\$1,398.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	\$
TOTAL FEES ENCLOSED =				\$1,398.00	
				Amount to be refunded	\$
				Charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$2294.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 50-0974 in the amount of \$* to cover the above fees. A duplicate copy of this sheet is enclosed. c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0974. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
Send all correspondence to: Baker & McKenzie 660 Hansen Way Palo Alto, California 94304 Telephone: (650) 856-2400 Facsimile: (650) 856-9299			Date: <u>Sept 8</u> , 2000 Signature: <u>Antoinette F. Kowski</u> Name: Antoinette F. Kowski Reg. No. 34,202		